

REMARKS

This amendment is in response to the Office Action, dated January 29, 2007. Claims 25-26 and 29 are currently amended. Claims 32-36 are new. Claims 25-26 and 29-36 remain pending. No new matter has been added.

New claims 32-36 have been added, and are substantively similar to the already-pending claims, except that the methods include the step of determining the magnitude of three markers in the sample *in conjunction with one another*. Support for this amendment may be found throughout the specification and claims as originally filed, for example, at page 82, lines 10-27.

Claim Rejections – 35 USC § 101

Examiner provisionally rejected claims 25-26 and 29 under 35 USC § 101 as claiming the same invention as that of claims 1-24 of copending Application No. 10/413,501 ('501). Applicants respectfully traverse this rejection.

Applicants respectfully submit that the claims do not read on the same invention. Unlike '501 where claims 1-24 read on methods of diagnosis of Crohn's disease solely due to detection of I2 antibodies, claims 25-26 and 29 of the present application read on methods of diagnosis of Crohn's disease that require detection of I2 antibodies *in conjunction with* ASCA and OmpC antibodies.

While not conceding that the claims read on the same invention, Applicants have added claims 32-36 which explicitly includes the limitation that markers are determined "in conjunction with one another." Applicants respectfully submit that new claims 32-36 are not coextensive in scope with '501.

Claim Rejections – 35 USC § 112, second paragraph

Claims 25-26 and 29-31 were rejected under 35 USC § 112, second paragraph as being incomplete for omitting essential steps, such omission amounting to a gap between steps. Examiner asserted that an omitted essential step is obtaining a sample

from the subject. In response, Applicants have amended claims 25-26 and 29 accordingly and respectfully submit that new claims 32-36 are mindful of the step of obtaining a sample from the subject.

Claim Rejections – 35 USC § 112, first paragraph

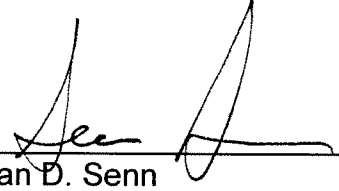
Examiner rejected claims 25-26 and 29-31 under 35 USC § 112, first paragraph on grounds of enablement. Examiner asserted that the invention is not enabled for methods of determining a risk of having or developing a clinical subtype of Crohn's disease characterized by fibrostenosis, internal perforating disease or the need for small bowel surgery in a subject having Crohn's disease, comprising determining the **presence or absence** of three markers in the subject, said three markers being IgA anti-I2 antibodies, anti-Saccharomyces cerevisiae antibodies (ASCA), and IgA anti-OmpC antibodies. Examiner cited Vasiliauskas, et al. and Landers, et al. for the assertion that, rather than just the presence or absence of the antibody marker, it is the magnitude or level of the antibody marker that is important for disease subtype classification. In response, Applicants have amended claims 25-26 and 29 so that the *magnitude* of markers is determined rather than its presence or absence. Applicants respectfully submit that added claims 32-36 are mindful of the same.

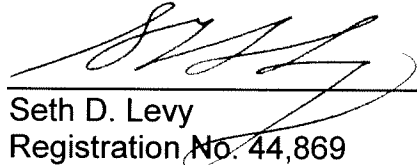
Claim Rejections – 35 USC § 103(a)

Examiner rejected claims 25-26 and 29-31 under 35 USC § 103(a) as allegedly unpatentable over Targan, et al. in view of Vasiliauskas, et al. and Landers, et al. Although Applicants do not in any way concede that the invention would have been obvious to one skilled in the art in light of the cited references, Applicants enclose herewith the Declaration of Stephan Targan stating that the Targan, et al. reference is not "by another." Applicants respectfully submit that Targan, et al. is not citable prior art under 35 U.S.C. § 102(a), thus not citable under 35 U.S.C. § 103(a).

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. If questions remain regarding this application, the Examiner is invited to contact the undersigned at (213) 633-6800.

Respectfully submitted,
Targan et al.
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Attachments: Declaration of Stephan Targan

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